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UNITED STATES DISTRICT COURT DISTRICT OF OREGON PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal corporation,

Defendant.

Case No.

DECLARATION IN SUPPORT OF PETITION
FOR TEMPORARY RESTRAINING ORDER

I, Bradie Nicole Winders, declare as follows pursuant to 28 USC § 1746:

1. I am a Tigard resident. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am 27 years old and reside in Tigard, Oregon.
3. As white woman with light skin privilege I believe it is my duty to show up in solidarity with my Black community and demand justice. I protest against systemic and general racism, and especially police brutality.
4. On May 31, 2020, I attended the protest with my mother and her wife. We arrived at the Multnomah County Justice Center (Justice Center) approximately between 12:00 PM and 1:00 PM. There were approximately 100 people present at that location. Protestors were playing music from speakers, chanting, and listening to community leaders and community members share their stories.
5. Almost every protestor I saw was wearing a mask and working hard to keep their distance from others. As the crowd grew that became more difficult. Once we were gassed there was no way to keep any distance between protesters.
6. Police were present at the Justice Center and behind a tall wire barricade that surrounded the building. Police remained in this position for a few hours. There was some space available on the steps leading up to the Oregon District Court building. There was water and snacks available for protestors and some folks were using the area to rest.
7. A little before 4:00 PM the crowd started to grow in size. Protestors arrived with signs, their hands up, chanting Black lives matter and naming the individuals killed by police. They were peaceful. Then the protest leaders instructed us that this was a peaceful protest. That those with plans or intent to cause violence should leave. Another protest leader stepped forward in

front of the barricade and asked the police to join the protest in support of Black lives.

8. At that point I was standing with my mom and her wife close to the Jefferson statue in the park. We were close enough to see the police across the street. I left my mom and walked to the very front of the protest. I wanted to put my body, that of a light skinned white woman, between the police and black protestors.

9. Protests started to move, marching down Main street between the Justice Center and Oregon District Court building. We were approximately one third of the way into the block, on Main street heading towards Second Avenue. The police formed a line to stop us from moving. This was a peaceful protest. Everyone was chanting, holding their hand up or out, showing that there was no intent to engage in conflict with police. I never saw anyone throw anything at the police. At most someone yelled, "fuck the police" but that was the most aggressive thing I witnessed from protestors.

10. I noticed every police in the line in front of me was in riot gear and holding their batons at their waist. There were confusing statements made from a distance behind the police line to the protestors. Something about not tampering with the barricade and not throwing projectiles at police. I did not see any of the conduct the police were warning us about.

11. All of sudden the police stated that the protest was an unlawful assembly. Nothing had changed in the way protestors were chanting, moving, or engaging with the protest. The police line started shoving us. A protester to my left said that his bag got left behind the police line. I asked the police in front of me if I could go and get the bag. The police ignored me. I asked again and was told yes. When I explained I needed to get past the police to get the bag I was told I couldn't go that way. I explained, "I need to get out. Is there a way for me to get out and get that bag?" I was told I could go in that direction. I was prevented from getting away. In front of me was a line of police in riot gear with batons at the waste pushing and shoving me. To my

right, left, and back were protestors. There was nowhere for me to go. The police trapped me.

12. Police in riot gear advanced on us. The line of riot gear wearing police charged on us. First, they pushed against us with their upper bodies, then they reached out using their arms and hands on the batons to push and shove protestors, then they raised their batons and beat protestors.

13. I was shoved by police and fell to the ground. Other protestors pulled me up and out as police continued their beating and pushing. I started to turn to run back to the park and join my mom when without a warning tear gas was shot at us. I couldn't tell which direction I was going. I immediately felt my eyes and throat burning. I could not see or open my eyes. My eyes felt like they were melting out of my head. I could not breath. I still attempted to move towards the park and the Jefferson statute where my mom was. I wanted to call my mom, but I could not. My eyes were watering so badly and would not open. I could not see the screen on my phone to be able to pull up my mom's phone number to call her.

14. I made it back to where my mom was. She washed my face and eyes. I learned from my husband, a National Guard veteran who is trained on tear gas, that oxygen helps dissipate the tear gas chemical. I attempted to open my eyes to expose it to oxygen. I could not open my eyes. We decide to go home. It was not safe to remain at the protest.

15. On our way walking to the parking lot where we parked, we noticed an elderly and frail looking woman. She appeared to be passing out and red liquid was dripping from her mouth. My mom and her wife attempted to help her by taking her out of the park area where the tear gas was spreading closer to the parking lot. We called over other protestors to assist. We helped the woman by laying her down on her side and waving away the gas in the air to help her overcome the effects of the tear gas. I couldn't see very well. We gave her water and started to talk to her. At most I could open an eye to a squint. I asked another protester to call for an ambulance.

16. It took approximately an hour to get home. My eyes were burning and water the whole

time. I had two masks on. A surgical mask and cloth mast on top of that. That seemed to help reduce the flow of tear gas into my nose, mouth, and throat. I still felt nauseous. The physical effect of the tear gas did not wear off for another four to five hours.

17. I had made plans earlier to meet my sister at Laurelhurst Park for another protest later that day. I canceled because I did not feel well. My eyes hurt, my nose burned, and I was very nauseous.

18. When I got home, I checked twitter for videos of the police attack. I suspected and wanted to know if I had been exposed to both tear gas and pepper spray. I believe I was exposed to both chemical agents that police deployed in response to the peaceful protest.

19. Prior to this event I had never been pepper sprayed or tear gassed. This experience makes me fearful of engaging in protest. I do not believe I will be safe at a protest when police indiscriminately gas and shoot protestors. I have reduced my participation in protests because I am fearful of being subjected to chemical agents and physical harm by police. When I do attend protests, I cut my activity short and leave early because it is not safe to be out in the streets with the police. I now carry my own supply of neutralizing solution, bring extra articles of clothing, and carry wipes to help with chemical irritants. It feels like I am preparing to go into a war zone.

20. I have experienced extreme anxiety because I was gassed by the police. The experience was made worse by watching an elderly woman slowly lose consciousness from that same gas while red liquid leaked from her mouth. In that moment I believed that I was watching someone die before my eyes because they participated in this protest. The experience of being gassed by the police has negatively affected my mental health, and negatively affected my ability to sleep and rest.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 5, 2020.

DocuSigned by:



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Bradie Nicole Winders